

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

DENNIS A. THROM, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

GMAC MORTGAGE, LLC,

Defendant.

Case No.: 2:11-cv-06813-SD

**NOTICE OF BANKRUPTCY
AND EFFECT OF AUTOMATIC STAY**

Defendant and debtor, GMAC Mortgage, LLC (the “Debtor”), by and through its undersigned counsel, in accordance and consistent with section 362(a) of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”), respectfully submits this Notice of Bankruptcy and Effect of Automatic Stay, and sates as follows:

1. On May 14, 2012 (the “Petition Date”), the Debtor and certain of its affiliates filed voluntary petitions (the “Petitions”) under Chapter 11 of Title 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004-1408 (the “Bankruptcy Code”). The Debtor’s case is jointly administered under the Chapter 11 Case for the Debtor Residential Capital, LLC, et al., and is indexed as case number 12-12020.

2. The “automatic stay” is codified in section 362 of the Bankruptcy Code. Section 362(a), *inter alia*, operates as an automatic stay of: (i) the commencement or continuation of a “judicial, administrative, or other action or proceeding” against the Debtor (11 U.S.C. § 362(a)(1)); (ii) acts to “obtain possession of property” of the Debtor’s estates (11 U.S.C. §

362(a)(3)); and (iii) acts to “collect, assess, or recover a claim” against the Debtor arising prior to the Petition Date (11 U.S.C. § 362(a)(6)).

3. The above-captioned action constitutes a “judicial, administrative, or other action or proceeding” against the Debtor, an act to obtain possession of the Debtor’s property, and/or an act to collect or recover on a claim against the Debtor.

4. Accordingly, the above-captioned lawsuit should be stayed pursuant to 11 U.S.C. § 362(a).

5. Any action taken by the Plaintiff against the Debtor without obtaining relief from the automatic stay from the Bankruptcy Court may be void *ab initio* and may result in finding of contempt against Plaintiff by the Bankruptcy Court. The Debtor reserves and retains all of its statutory rights to seek relief in Bankruptcy Court from any action, judgment, order, or ruling entered in violation of the Automatic Stay.

Respectfully submitted,

/s/ Henry F. Reichner

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Attorneys for Defendant

GMAC Mortgage, LLC

Dated: May 17, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF BANKRUPTCY AND EFFECT OF AUTOMATIC STAY has been filed electronically this 17th day of May, 2012, and is available for viewing and downloading from the Federal Court's ECF system.

Henry F. Reichner

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